

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

JESUS SERNA

VS.

**OMAR REYERO ZAPATA AND
TRANSMONTES SA DE CV**

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**CIVIL CASE NO. _____
JURY DEMAND**

APPLICATION AND NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Pursuant to 28 U. S. C. §§ 1332(a), 1441, and 1446, and Rule 81 of the local rules for the Southern District of Texas, Defendants **OMAR REYERO ZAPATA AND TRANSMONTES SA DE CV** (“Applicants”) file this Application and Notice of Removal and in support thereof would show the Court the following:

This Honorable Court has subject matter jurisdiction over this civil cause of action pursuant to 28 U.S.C. 1332(a)(2). It is a civil action where the matter in controversy exceeds the sum or value of \$75,000. It is between a citizen of a state and citizens or subjects of a foreign state. This notice of removal is filed within 30 days after these Defendants became aware of this case and it being one which is removable.

1. Plaintiff, JESUS SERNA, filed his *Plaintiff's Original Petition* in a cause of action against Defendants, Omar Reyero Zapata and Transmontes SA DE CV, in the 406th Judicial District Court of Webb County, Texas, Cause No. 2022CVA000846D4.

2. Service for Defendant Omar Reyero Zapata, was requested via the Chairman of the Texas Transportation Commission, on June 29, 2022. Defendant Reyero Zapata never received any documents from the Texas Transportation Commission, instead he first learned of this lawsuit on August 3, 2022, when defense attorney contacted his previous employer Transmontes SA de CV to notify them of this lawsuit. Defendant Omar Reyero Zapata answered on August 10, 2022. Defendant Reyero Zapata consents to this removal.

3. Service for Defendant Transmontes SA DE CV was requested via the Chairman of the Texas Transportation Commission, on June 29, 2022. Defendant Transmontes, SA DE CV never received any documents from the Texas Transportation Commission, instead it first learned of this lawsuit on August 3, 2022, when defense attorney contacted Transmontes, SA DE CV to notify them of this lawsuit. Defendant Transmontes, SA DE CV answered on August 10, 2022.

4. Pursuant to 28 U.S.C. § 1446, this notice of removal is filed within 30 days after Defendants Omar Reyero Zapata and Transmontes, SA DE CV received notice of this lawsuit.

5. Removal is based upon diversity jurisdiction under 28 U.S.C. § 1332(a)(2) because it is a civil action between a citizen and resident of the State of Texas and a citizen and company of a foreign state.

6. The action described in paragraph 1 arises from a motor vehicle incident that occurred in Webb County, Texas on or about September 30, 2021. Defendants plead that this Court has subject matter jurisdiction over this action, because the amount in controversy is in excess of this Court's minimum jurisdictional limits and the lawsuit arises out of events or omissions that occurred in Webb County. This case is being removed to the district and division from where the State court action was pending.

7. Based upon information and belief, and according to Plaintiff's Original Petition, Plaintiff Jesus Serna is a resident and domiciled in the State of Texas.

8. Defendant Transmontes, SA DE CV is a company domiciled in Nuevo Laredo, Tamaulipas, Mexico. Omar Reyero Zapata is a citizen and a resident of Nuevo Laredo Tamaulipas, Mexico.

9. The amount in controversy exceeds \$75,000.00. In Plaintiff's Original Petition, Plaintiff seeks monetary relief over \$1,000,000.00.

10. Pursuant to Rule 81 of the Local Rules of the Southern District of Texas, Applicants would show the following:

- a. Plaintiff: Jesus Serna
- b. Defendants: Omar Reyero Zapata and Transmontes, SA DE CV.
- c. Status of service of process: Omar Reyero Zapata answered on August 10, 2022.
- d. Status of Service of Process: Transmontes, SA DE CV answered on August 10, 2022.
- e. Counsel for each party is as follows:

Counsel for Plaintiff Jesus Serna:

Ernesto Fuentes
State Bar No.: 24085317
Law Firm of Ernesto Fuentes, P.L.L.C.
405 S. Monroe Suite A
Eagle Pass, Texas 78852
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Counsel for Defendants Omar Reyero Zapata and Transmontes, SA DE CV:

Tamara L. Rodriguez
State Bar No. 00791647

Federal Bar No. 18972
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f. A jury was demanded by Defendants Omar Reyero Zapata and Transmontes, SA DE CV, in the state district court, and the jury fee was paid.

g. Name and address of court from which the case is being removed:

406th Judicial District Court
Webb County
Laredo, Texas 78539

11. Pursuant to Local Rule 81, a copy of all pleadings asserting causes of action and all answers to such pleadings, a copy of all orders signed by the state judge, a copy of the docket sheet, and an index of the matters being filed are attached hereto.

WHEREFORE PREMISES CONSIDERED, Applicants pray that the above action now pending in the 406th Judicial District Court of Webb County, Texas, Cause No. 2022-CVA-000846D -styled Jesus Serna vs. Omar Reyero Zapata and Transmontes, SA DE CV, be removed to this Court pursuant to Rule 28 U.S.C. §1332 and Rule 81 of the Local Rules of the Southern District of Texas and that Applicants may have such other and further relief at law or in equity to which they may show themselves justly entitled.

Respectfully submitted,

By: 

Tamara Rodriguez
State Bar No. 00791647
Federal Bar No. 18972
Attorney in Charge

Of Counsel:

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Attorneys for Defendants

**OMAR REYERO ZAPATA AND
TRANSMONTES SA DE CV**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Application and Notice of Removal has been forwarded to opposing counsel on this the 24 day of August 2022, as follows:

VIA ESERVICE: Ernesto@Efuenteslaw.com

Mr. Ernesto Fuentes

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Tamara Rodriguez